

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ANDREA DEGEROLAMO,)
v. Plaintiff,)
FULTON FINANCIAL CORPORATION,)
Defendants.)
Civil Action No.: _____

NOTICE OF REMOVAL

COMES NOW Defendant, Fulton Financial Corporation, by and through its counsel and pursuant to 28 U.S.C. §§ 1441 and 1446, removes this action, which was initiated in the Superior Court of New Jersey, Law Division, Camden County, New Jersey, to the United States District Court for the District of New Jersey. In accordance with 28 U.S.C. §§ 1441 and 1446, Defendant submits the following statement of the grounds for removal:

1. Plaintiff Andrea DeGerolamo commenced this action by filing a civil Complaint in the Superior Court of New Jersey, Law Division, Camden County, New Jersey, at Docket No. L1912-14, on or about May 16, 2014.

2. In her three-count Complaint, Plaintiff alleges that Defendant, Fulton Financial Corporation, subjected Plaintiff to disability discrimination and retaliatory discharge in violation of the New Jersey Law Against Discrimination when it terminated her employment on or about May 17, 2013.

3. Plaintiff also alleges that Defendant further violated the Family Medical Leave Act (“FMLA”) by altering her job position, and ultimately terminated her position in retaliation for utilizing leave under the FMLA.

4. Plaintiff is a citizen of New Jersey

5. Defendant is a corporation incorporated in Pennsylvania, with its corporate headquarters located in Lancaster, Pennsylvania.

6. Plaintiff alleges damages based upon lost wages and benefits, front pay, medical insurance, punitive damages, emotional distress damages, and attorneys fees. Based upon information and belief, the amount in controversy alleged by and sought by Plaintiff exceeds \$75,000.

7. This action may be removed pursuant to 28 U.S.C. § 1441, *et seq.* because:

- (a) This Court has original jurisdiction over Plaintiff's claims pursuant to 28 U.S.C. § 1332;
- (b) This Court also has original jurisdiction over Plaintiff's claims pursuant to 28 U.S.C. § 1331 as Plaintiff alleges a federal claim arising under federal law and raising federal questions, *i.e.* 29 U.S.C § 2601, *et seq.* (the Family Medical Leave Act); and
- (c) Plaintiff's remaining two state law New Jersey Law Against Discrimination claims may be joined and removed with her federal law FMLA claim pursuant to this Court's exercise of supplemental jurisdiction because they arise from the same nucleus of operative facts regarding her employment and separation from employment.

8. Plaintiff served a copy of the Complaint on Defendant on June 9, 2014. A copy of the Complaint served on Defendant is attached as Exhibit 1 to this Notice of Removal.

9. The Superior Court of New Jersey is located within the judicial district embraced by this Court.

10. This Notice of Removal is timely because it is filed within thirty (30) days of receipt of the Complaint as required by 28 U.S.C. § 1446(b).

11. The facts set forth in this Notice of Removal are true and correct to the best of the undersigned's knowledge, information and belief.

12. Concurrent with this filing, Defendant has caused to be filed a true and correct copy of this Notice of Removal with Civil Processing of the Superior Court of New Jersey.

13. Written Notice of the filing of this Notice of Removal is also being served on Plaintiff's counsel on this date pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, Defendant Fulton Financial Corporation removes the action now pending in the Superior Court of New Jersey, Law Division, Camden County, New Jersey, Docket No. L1912-14, to the United States District Court for the District of New Jersey.

Respectfully submitted,

BARLEY SNYDER LLP

Dated: June 12, 2014

/s/ Jill S. Welch 2962
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Attorneys for Defendant Fulton Financial Corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of June 2014, a true and correct copy of the foregoing Notice of Removal was served via ECF and United States mail, first class, postage pre-paid, upon the following:

Benjamin Friedman, Esquire
Law Offices of Ben Friedman
One Greetree Centre
10000 Lincoln Drive, East, Suite 201
Marlton, NJ 08053

BARLEY SNYDER LLP

Dated: June 12, 2014

/s/ Jill S. Welch 2962

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